

1
2
3
4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON
6

7 UNITED STATES OF AMERICA,
8

9 Plaintiff,

10 vs.

11 TITUS LEWIS,
12

13 Defendant.

} No. CR-06-0033-JLQ-2

} **ORDER DENYING MOTION TO**
} **RECONSIDER**

14 BEFORE THE COURT is the Defendant Titus Lewis' Motion for Reconsideration
15 (ECF No. 103) of the Court's June 15, 2012 Order denying his motion to modify
16 sentence.

17 **I. Introduction and Background**

18 Defendant pled guilty to one count of Conspiracy to Distribute 50 Grams or More
19 of a Mixture or Substance Containing Cocaine Base in violation of 21 U.S.C. §§ 846 and
20 841(a)(1) and was sentenced to 143 months. (Judgment at ECF No. 37-2). Defendant
21 previously brought a Motion for Reduction in Sentence, which was granted, reducing the
22 sentence to 140 months. See Court's Order (ECF No. 74). Not satisfied with the
23 reduction, Defendant appealed, and the Ninth Circuit affirmed. See Opinion (ECF No.
24 95). Defendant is currently serving the 140-month sentence.

25 Defendant then filed on April 30, 2012 a Motion to Modify Sentence (ECF No. 97)
26 based on further amendments to the Fair Sentencing Act of 2010. Defendant alleged
27 amendments 750 and 759, effective November 1, 2011, entitled him to a further reduction
28 in sentence. Defendant argued that a sentence reduction to the mandatory minimum of 10

1 years (120 months) is appropriate. (ECF No. 101). The Government responded, and this
2 court denied the motion.

3 **II. Discussion**

4 Defendant's Motion to Reconsider sets forth no valid legal basis for resentencing.
5 Defendant continues to make arguments previously rejected by this court. Defendant
6 wishes for the court to consider his rehabilitative efforts, and to apply the § 3553(a)
7 factors and reduce his sentence. Defendant is not eligible for resentencing. As stated in
8 the June 15, 2012 Order of this court, Defendant does not fall within the terms of 18
9 U.S.C. § 3582(c)(2). Defendant's applicable sentencing range has not subsequently been
10 lowered by the Sentencing Commission.

11 **IT IS HEREBY ORDERED:**

12 1. Defendant's Motion to Reconsider (ECF No. 103) is **DENIED**.

13 **IT IS SO ORDERED:**

14 The Clerk is hereby directed to enter this Order and furnish copies to counsel and
15 Mr. Lewis who is proceeding *pro se*.

16 **DATED** this 17th day of July, 2012.

17 s/ Justin L. Ouackenbush
18 JUSTIN L. QUACKENBUSH
19 SENIOR UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25
26
27
28